

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1590 OF 2005
IN
SUIT NO.1180 OF 1994

M/s.Goyal Properties and Estate
Private Limited Plaintiff

versus

Ankur Constructions & others Respondents

Mr.A.S.Rai for plaintiff.

Mr.O.P.Tiwari for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th March 2006

PC :

1. Parties do not dispute that first defendant is a sole proprietary concern and one Rajkumar Ralhan was the sole proprietor thereof. He having expired, the plaintiffs are seeking to substitute his son as party defendant no.1 and amend the plaint accordingly.

2. The Chamber Summons is made absolute in terms of prayer clause (a) by consent. Amendment to be carried out within four weeks. Amended plaint to

be served on the respondent- newly added defendant no.1 within a period of four weeks thereafter. Learned advocate appearing for the deceased defendant no.1 states that he will accept service on behalf of newly added defendant and file his Vakalatnama accordingly. All contentions on merits of both sides are expressly kept open and impleadment of respondent as defendant no.1 would be without prejudice to the rights and contentions in that behalf. Written statement/additional written statement may be filed within a period of six weeks from the date of receipt of amended plaint.

(S.C.DHARMADHIKARI, J.)